(18)

HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO.2341 OF 2003

PETITIONER: RAM LAL RATHORE,
S/o Shri J.R. Rathore,
Aged about 58 years,
Chief Accounts Officer-cum-
Financial Controller (I/c),
Chhattisgarh State Co-operative
Marketing Federation Limited,
Raipur (C.G.)

Versus

RESPONDENTS: Chhattisgarh State Co-operative
Marketing Federation Limited
Through:

1) The Managing Director,
Chhattisgarh State Co-operative
Marketing Federation Ltd.,
880, Civil Lines, Raipur (C.G.)

2) The Secretary,
Chhattisgarh State Co-operative
Marketing Federation Limited,
880, Civil Lines, Raipur (C.G.)

POST FOR ORDER ON 29th August, 2003

Sd/-
L.C. Bhadoo
Judge

29 August, 2003

(19)

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Chhattisgarh State Co-operative
Marketing Federation Limited,
880, Civil Lines, Raipur (C.G.)

Present: - Shri R. Dayal, counsel for the petitioner

Before: Hon'ble Shri L.C. Bhadoo, J

O R D E R

(Passed on 29th August, 2003)

1. By this petition under Article 226/227 of the Constitution of India, the petitioner has sought for the relief that the respondents be directed to allow the petitioner to continue in the service till he attains the age of 60 years.

2. The petitioner's petition is that he is working as the Chief Accounts Officer-cum-Financial Controller (I/C), Chhattisgarh State Co-operative Marketing Federation Limited. He is scheduled to retire on 31st July, 2003, on attaining the age of superannuation i.e. 58 years.

The respondents had called Annual General Meeting on 04.06.2003 and a notice thereof was issued vide No.Meeting/Aamsabha/865 dated 19.05.2003 with an Agenda item No.6 regarding the announcement of the retirement age of the employees of the Federation. However, the meeting was managed to be postponed intentionally to deprive the petitioner from the benefit of result of the agenda; had it been resolved on that date i.e. 04.06.2003, the petitioner could have continued for the extended period of two years till he attains the age of 60 years. Now, the said Annual General Meeting is again called on 19th August, 2003, thinking that the petitioner would stand retired till that date and thus, he may safely be deprived of the benefit of the resolution. On 4th June, 2003, the Agenda item No.6 was discussed but the meeting itself was postponed to ensure that the petitioner should not get the benefit. The notice of the Annual General Meeting to be held on 19th August, 2003 is under issue wherein all the agendas as were settled for the Annual General Meeting of 04.06.2003 were discussed and resolved including the Agenda item No.6. Therefore, the action of the respondents is discriminatory and willful against the petitioner.

3. I have heard the learned counsel for the petitioner.

4. In the petition, the petitioner has mentioned that on 04.06.2003 the Meeting was deliberately and intentionally adjourned in order to deprive the petitioner from the benefit of extension of the age limit. This is a general allegation and the petitioner has not been able to bring on record any material to establish this allegation. Moreover, unless a decision is taken and the same is implemented no employee can claim the benefit, as of right, of a decision which was taken later on. Till the date of his retirement no decision was taken by the respondents to enhance the retirement age of its employees and if any resolution is passed later on, the petitioner cannot claim the same. Had such a

resolution was passed prior to his retirement then the petitioner was able to take the benefit of the same.

5. Therefore, the petition of the petitioner is without substance and even the petitioner has not been able to establish the allegations. The petition is liable to be dismissed and it is accordingly, dismissed.

Sd/-
L.C. Bhadoo
Judge